

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

Yvette Johnson
Walter Johnson

:
: **Case No.: 17-10821-amc**
: **Chapter 13**
: **Judge Ashely M. Chan**
: * * * * *
:

Debtor(s)

Wells Fargo Bank, NA

Movant,

VS

Yvette Johnson
Walter Johnson

:
 : **Date and Time of Hearing Place**
 : **of Hearing**
 : **December 12, 2017 at 11:00 a.m.**
 :
 : **U.S. Bankruptcy Court 900**
 : **Market Street, Courtroom #5**
 : **Philadelphia, PA, 19107**
 :
 :

William C. Miller

Respondents.

MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT WELLS
FARGO BANK, NA TO FORECLOSE ON 2524 NORTH 29TH STREET,
PHILADELPHIA, PA 19132

Wells Fargo Bank, NA (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.
4. Yvette Johnson and Walter Johnson (collectively, "Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on February 6, 2017, ("Petition").

5. Debtor(s), Yvette Johnson, is currently obligated to Wells Fargo Bank, NA, under the terms of a certain Note, dated March 17, 2006, in the original principal amount of \$36,709.00 executed by Debtor(s) Yvette Johnson (hereinafter "Note").

6. As security for repayment of the Note, Debtor(s), Yvette Johnson, executed a certain Mortgage, dated of even date and of even amount, currently in favor of Wells Fargo Bank, NA, with respect to certain real property owned by the Debtor located at 2524 North 29th Street, Philadelphia, PA 19132 (hereinafter "Mortgaged Premises") and being recorded in Philadelphia County Recordings Office at Instrument Number 51422268 on April 20, 2006 in the Office of the Recorder of Deeds in and for Philadelphia County, Pennsylvania ("Mortgage").

7. Debtor(s), Yvette Johnson, executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

8. Debtor has failed to make post-petition mortgage payments for the past 3 months, as of October 20, 2017.

9. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

10. The unpaid principal balance and the amount past due to Wells Fargo Bank, NA in post-petition arrearages are \$69,077.70 and \$1,249.72, respectively, as of October 20, 2017.

11. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Wells Fargo Bank, NA in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Wells Fargo Bank, NA respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Wells Fargo Bank, NA in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

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Walter Johnson : **Philadelphia, PA, 19107**
: **William C. Miller** :
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Wells Fargo Bank, NA to foreclose on 2524 North 29th Street, Philadelphia, PA 19132 was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, 1234 Market Street, Suite 1813, Philadelphia, PA
19107

Brad J. Sadek, Attorney for Yvette Johnson and Walter Johnson, Sadek and Cooper, 1315
Walnut Street, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on November 6,
2017:

Yvette Johnson, 2524 N 29th Street, Philadelphia, PA 19132

Walter Johnson, 2524 N 29th Street, Philadelphia, PA 19132

Yvette Johnson and Walter Johnson, 2524 North 29th Street, Philadelphia, PA 19132

DATE: 11/6/17

/s/ Karina Velter

Karina Velter, Esquire (94781)

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